

**NATIONAL COMPANY LAW TRIBUNAL
CHANDIGARH BENCH (COURT-I), CHANDIGARH**

CP No.49/Chd/Pb/2025

[An Application under sub-section (3) of section 252 of the Companies Act, 2013]

In the matter of:

Jatinder Singh

Member and Director

Address: H. NO. 270, Akal Sahai, FGC Road, Vrindavan
Gardens, Amritsar, Punjab-143001

CIN: U92321PB2012PTC036140

Email: kautilyaa@rediffmail.com

PAN: AADCE0374P

...Applicant Company

Versus

Registrar of Companies, Punjab and Chandigarh

Corporate Bhavan, 1st Floor, Plot No. 4-B Madhya Marg,
Sector 27B, Chandigarh - 160019

Email: roc.chandigarh@mca.gov.in

...Respondent No.1

Income Tax Department,

Through the Nodal Officer

Principal Chief Commissioner of Income Tax. NWR,
Aaykar Bhavan, Sector 17 E, Chandigarh

Email Id: dcithqjudl@gmail.com

...Respondent No. 2

Order pronounced on: 10.07.2026

**CORAM: MR. KHETRABASI BISWAL, HON'BLE MEMBER (JUDICIAL)
MR. SHISHIR AGARWAL, HON'BLE MEMBER (TECHNICAL)**

Appearance:

For the Applicant Company : Mr. Vishav Bharti Gupta, Advocate

**For the RoC, Punjab and
Chandigarh** : Mr. Krishan Paul Dutt, AROC

For the Income Tax Dept. : Mr. Varun Issar, Sr. Standing Counsel

ORDER

The present Application has been filed by **Jatinder Singh** Member and Director of Elite Colonisers Private Limited (hereinafter referred to as the Applicant Company) under sub-section (3) of section 252 of the Companies Act, 2013 (hereinafter referred to as 'the Act') read with Rule 87A of the National Company Law Tribunal Rules, 2016 (hereinafter referred to as the 'Rules') praying for restoration of the name of the Applicant Company on the Register of Companies maintained by the Registrar of Companies, Punjab and Chandigarh (hereinafter referred to as 'RoC/ Respondent').

FACTS:

2. The Applicant Company viz., **Elite Colonisers Private Limited**, having CIN: U70109PB2012PTC036138 was incorporated under the Companies Act, 1956 on 13.04.2012 and its Registered office situated at H. NO. 270, Akal Sahai, FGC Road, Vrindavan Gardens, Amritsar, Punjab-143001. The Authorized Share Capital of the Company is Rs. 1,00,000/- (Rupees One Lakh only) divided into 10,000 Equity Shares of Rs.10/- each, and the Issued, Subscribed and Paid-up Share Capital is Rs.1,00,000/- (Rupees One Lakh only) divided into 10,000 Equity Shares of Rs.10/- each. The Applicant Company is engaged in the business of real estate, property development, and colonisation. It also buys, leases, markets, and develops diverse properties including residential colonies, commercial buildings, malls, multiplexes, and industrial plots. The Company has been operational since incorporation,

possesses valid PAN: AADCE0374P, and has continued carrying on business activities, maintaining financial records and banking operations.

3. The Applicant Company due to inadvertent default has failed to file Financial Statements & Annual Return for the period of 2014-15 to 2017-18 and therefore, the Respondent No.1 struck off the name of the Applicant Company under Section 248 of the Act on 11.09.2018.

4. The Applicant Company undertakes that, in the event of revival of the Applicant Company and restoration of its name in the Register maintained by Respondent No. 1, the Applicant Company shall file all pending statutory documents and pay the requisite filing fees and additional fees, as applicable, with the office of the Registrar of Companies, Punjab and Chandigarh, at Chandigarh. The Applicant Company further submits that due to the non-filing of necessary Statutory Documents especially the Financial Statements and Annual Return for the years 2014-15 to 2017-18, led to striking off of the name of the Applicant Company. However, the Applicant Company has remained operational, as it held and convened its Annual General Meeting regularly and the Applicant Company also has an active bank account thereby evidencing that it was a going concern at the time of its striking off.

REPORT OF THE THE REGISTRAR OF COMPANIES:

5. The Respondent No.1, filed its report on 15.04.2026 stating that the Applicant Company was incorporated on 13.04.2012. The RoC stated that the Applicant Company failed to file its Annual Returns and Financial Statements for the financial years 2014-15, 2015-16, 2016-17 and 2017-18. Therefore,

the name of the Applicant Company was struck off via notice dated 11.09.2018. RoC, Punjab and Chandigarh, submitted that since the Applicant Company had not filed statutory documents, the name was struck off, and they should be directed to complete all pending filings and payments upon restoration.

REPORT OF THE INCOME TAX DEPARTMENT:

6. The tribunal *vide* order dated 20.02.2026, issued notice to the Income Tax department. However, no report has been submitted by the Income Tax department. During the course of hearing on 05.06.2026, Ld. Standing Counsel Mr. Varun Issar stated that the Department does not have any adverse observations against the proposed revival of the Applicant Company.

ANALYSIS AND FINDINGS:

7. We have heard the submissions made by the Ld. Counsel for the Applicant Company, Ld. Standing Counsel Mr. Varun Issar for the Income Tax Department and Mr. Krishan Paul Dutt, AROC for the Registrar of Companies, and perused the material available on record, and also went through the extant provisions of the Companies Act, 2013 and rules made thereunder.

8. It is to be noted that the sub-section (3) of section 252 of the Act, *inter alia*, provides that the Tribunal is required to be satisfied before exercising jurisdiction to restore the Company on the Register of the Registrar of Companies that Company was at the time of its name being struck off, was

either carrying on business or was in operation, or otherwise it is just that the name of the Company be restored to the Register of Registrar of Companies.

9. The Applicant Company has submitted that it was carrying on business and was operational at the time its name was struck off from the Register of Companies. In support of its contentions, the Applicant Company has placed on record its financial statements, PAN details and other documents evidencing its business activities and banking operations. The Applicant Company has further undertaken that, upon restoration of its name, it shall file all pending statutory documents, including financial statements and annual returns, along with the prescribed fees and additional fees, as applicable.

10. Learned Counsel for the Applicant Company submitted that the name of the Applicant Company was struck off on account of non-filing of financial statements and annual returns for the financial years 2014-15, 2015-16, 2016-17 and 2017-18. However, the Applicant Company continued to remain operational and carried on its business activities.

11. In view of the above facts and circumstances, we are of the considered view that it would be just, equitable and fair in the interest of justice to allow the Applicant Company to rectify its defaults and restore its name in the Register of Companies maintained by the Registrar of Companies.

12. Therefore, in exercise of powers conferred under Section 252 of the Companies Act, 2013, this Tribunal allows the Application subject to payment of costs of ₹50,000/- (Rupees Fifty Thousand Only) by the Applicant Company

to be paid in favour of “Prime Minister National Relief Fund” within two weeks from the receipt of the duly certified copy of this Order, with the following directions:

- (i) The RoC, Punjab and Chandigarh, shall restore the original status of the Applicant Company as if the name of the Company had not been struck off from the Register of Companies, with the resultant and consequential actions like changing the status of the Company from ‘struck off’ to ‘active’.
- (ii) The Applicant Company shall file all pending statutory documents, including annual accounts and annual returns, along with prescribed fees/additional fee/fine as decided by the RoC, Punjab and Chandigarh, within 45 days from the date on which its name is restored on the Register of Companies maintained by the concerned Registrar of Companies.
- (iii) The Applicant Company shall deliver a certified copy of this Order to the RoC, Punjab and Chandigarh, within a period of thirty days from the date of receipt of this Order.
- (iv) On receipt of the certified copy of this Order and after due compliance with the above directions, the Registrar of Companies may publish the Order in the Official Gazette, the cost for which shall be borne by the Applicant Company.
- (v) This Order is confined to the violations, which ultimately led to the impugned action of striking off the name of the Company. It will not

come in the way of the jurisdictional Registrar of Companies, to take appropriate action in accordance with law, for any other violation/offences, if any, committed by the Applicant Company before or during the period when the name of the Company remained struck off.

(vi) The Income Tax Department may take the necessary action as per law for non-filing or belated filing of the Income Tax Returns of the Company for any of the assessment years and also for recovery of outstanding demand, if any.

13. In light of the above discussion, the **Company Petition No.49/Chd/Pb/2025** is **allowed and disposed of**.

Sd/-

(SHISHIR AGARWAL)
MEMBER (TECHNICAL)

Sd/-

(KHETRABASI BISWAL)
MEMBER (JUDICIAL)

Divya